

2005 DRAFTING REQUEST

Bill

Received: **02/16/2005**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - electric**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Leibham@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Evacuation notices for transmission facilities

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 05/03/2005	lkunkel 05/04/2005		_____			Local
/1			chaugen 05/04/2005	_____	lemery 05/04/2005		Local
/2	mkunkel 07/25/2005	lkunkel 07/26/2005	pgreensl 07/26/2005	_____	sbasford 07/26/2005 mbarman 11/02/2005	mbarman 11/02/2005	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/?	mkunkel 05/03/2005	lkunkel 05/04/2005					Local
/1			chaugen 05/04/2005		lemery 05/04/2005		Local
/2	mkunkel 07/25/2005	lkunkel 07/26/2005	pgreensl 07/26/2005		sbasford 07/26/2005 mbarman 11/02/2005		

changed
per
MDK

Received By: **mkunkel**

Identical to LRB:

By/Representing:

Drafter: **mkunkel**

Addl. Drafters:

Extra Copies:

e-mail
only

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: **02/16/2005**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Cowles (608) 266-0484**

By/Representing: **Todd Stuart**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - electric**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Cowles@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Evacuation notices for transmission facilities

Instructions:

See Attached

-2149/2
Jacket for
Sen. Leibham

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 05/03/2005	lkunkel 05/04/2005		_____			Local
/1			chaugen 05/04/2005	_____	lemery 05/04/2005		Local
/2	mkunkel 07/25/2005	lkunkel 07/26/2005	pgreensl 07/26/2005	_____	sbasford 07/26/2005		

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

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Wanted: **As time permits**

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For: **Robert Cowles (608) 266-0484**

By/Representing: **Todd Stuart**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - electric**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Cowles@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Evacuation notices for transmission facilities ✓

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 05/03/2005	lkunkel 05/04/2005					Local

/1		chaugen 05/04/2005			temery 05/04/2005		
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FE Sent For:

1/2/mk 7/26

7/26
ps

<END>

2005 DRAFTING REQUEST

Bill

Received: **02/16/2005**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Cowles (608) 266-0484**

By/Representing: **Todd Stuart**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - electric**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Cowles@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Excav
Evacuation notices for transmission facilities ✓

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel	1/mk5/4	ch SM	ch 5-4 SM			

FE Sent For:

<END>

New Request
from Sen. Cowles

2003 - 2004 LEGISLATURE

LRB-1554/2

RJM:wlj:pg

2003 BILL

- 1 AN ACT *to amend* 182.0175 (2m) (a) 2. and 182.0175 (2m) (b) (intro.); and *to*
2 *create* 182.0175 (1) (bt) of the statutes; **relating to:** excavation notices.

Analysis by the Legislative Reference Bureau

Current law requires all transmission facilities owners to ensure that a system is in place to receive notices of proposed excavations and to forward the notices on to owners of transmission facilities that may be affected by the excavations. Transmission facilities include such things as utility wires and associated facilities, water and sewer systems, and communications facilities. Under current law, upon receiving a notice of a proposed excavation, the owner of transmission facilities must mark the notice in such a way that the excavator will be able to locate the effected transmission facilities and perform the excavation without endangering the facilities or the public. such
statewide
communications
affected

Under this bill, any local governmental unit that receives such a notice relating to its sewer or water facilities must mark the location and ~~entire length~~ of all laterals connected to the sewer or water facilities at the area described in the notice. area of
the excavation
described
in the

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 182.0175 (1) (bt) of the statutes is created to read:
4 182.0175 (1) (bt) "Local governmental unit" means a political subdivision of
5 this state, a special purpose district in this state, an instrumentality or corporation

within the public
right-of-way

2003 - 2004 Legislature

- 2 -

LRB-1554/2

RJM:wjl:pg

SECTION 1

BILL

1 of such a political subdivision or special purpose district, a combination or subunit
2 of any of the foregoing or an instrumentality of the state and any of the foregoing.

3 **SECTION 2.** 182.0175 (2m) (a) 2. of the statutes is amended to read:

4 182.0175 (2m) (a) 2. Respond to an excavation notice within 3 working days
5 by marking the location of transmission facilities and, if applicable, laterals as
6 provided under par. (b) in the area described in the excavation notice.

7 **SECTION 3.** 182.0175 (2m) (b) (intro.) of the statutes is amended to read:

8 182.0175 (2m) (b) *Facilities marking.* (intro.) A person owning transmission
9 facilities, upon receipt of an excavation notice, shall mark in a reasonable manner
10 the locations of transmission facilities at the area described in the notice to enable
11 the excavator to locate the transmission facilities without endangering the security
12 of the facilities or the public. If the person is a local governmental unit and if the

13 excavation notice relates to sewer or water facilities owned by the local governmental
14 unit, the local governmental unit shall also mark the locations ^{within the public right of way} and entire length of

15 all laterals connected to the sewer or water facilities at the area described in the
16 notice. ^{The local government unit may assess a fee to the property owner for marking such laterals.} The marking of facilities shall be completed within 3 working days after

17 receipt of the notice, or if notice is given more than 10 days before excavation is
18 scheduled to begin, marking shall be completed at least 3 working days before
19 excavation is scheduled to begin. If the approximate location of a transmission
20 facility is marked with paint, flags, stakes or other physical means, the following
21 color coding of lines, cables or conduits shall comply with the uniform color code
22 adopted by the American National Standards Institute:

23 (END)

D-NOTE

2003 BILL

By Friday
5/6

- 2/49/1

LPS:PLSPWF

pls fix requester's
sheetRM
NOT
RUN

ReGen

- 1 AN ACT *to amend* 182.0175 (2m) (a) 2. and 182.0175 (2m) (b) (intro.); and *to*
2 *create* 182.0175 (1) (bt) of the statutes; **relating to:** excavation notices. ✓

Analysis by the Legislative Reference Bureau

Current law requires all transmission facilities owners to ensure that a system is in place to receive notices of proposed excavations and to forward the notices on to owners of transmission facilities that may be affected by the excavations. ✓
Transmission facilities include such things as utility wires and associated facilities, water and sewer systems, and communications facilities. ✓ Under current law, upon receiving a notice of a proposed excavation, the owner of transmission facilities must mark the notice in such a way that the excavator will be able to locate the affected transmission facilities and perform the excavation without endangering the facilities or the public. ✓

Under this bill, any local governmental unit that receives such a notice relating to its sewer or water facilities must mark the location and ~~entire length~~ of all laterals connected to the sewer or water facilities at the area described in the notice. ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows: X

- 3 SECTION 1. 182.0175 (1) (bt) of the statutes is created to read:
4 182.0175 (1) (bt) "Local governmental unit" means a political subdivision of
5 this state, a special purpose district in this state, an instrumentality or corporation

NO 9

The bill allows a local governmental unit to assess a fee on property owners for marking such laterals.

BILL

1 of such a political subdivision or special purpose district, a combination or subunit
2 of any of the foregoing or an instrumentality of the state and any of the foregoing.

3 **SECTION 2.** 182.0175 (2m) (a) 2. of the statutes is amended to read:

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9 facilities, upon receipt of an excavation notice, shall mark in a reasonable manner
10 the locations of transmission facilities at the area described in the notice to enable
11 the excavator to locate the transmission facilities without endangering the security
12 of the facilities or the public. If the person is a local governmental unit and if the
13 excavation notice relates to sewer or water facilities owned by the local governmental
14 unit, the local governmental unit shall also mark the locations ~~and entire length of~~
15 all laterals connected to the sewer or water facilities at the area described in the
16 notice. The marking of facilities shall be completed within 3 working days after
17 receipt of the notice, or if notice is given more than 10 days before excavation is
18 scheduled to begin, marking shall be completed at least 3 working days before
19 excavation is scheduled to begin. If the approximate location of a transmission
20 facility is marked with paint, flags, stakes or other physical means, the following
21 color coding of lines, cables or conduits shall comply with the uniform color code
22 adopted by the American National Standards Institute:

23 (END)

The local governmental
unit may assess a fee
on the property owner
for marking such laterals (C)

within the public right-of-way

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2149/1dn

MDK:.....

mk

(date)

✓
Sen. Cowles:

✓
This is a redraft of 2003 LRB-1554/2, with the changes you requested. Please note the following: ✓

1. Is the reference to public right-of-way clear enough? ✓ Or should the bill include language specifying the public right-of-way at issue? ✓
2. The bill allows a local governmental unit to assess a fee on a property owner, even if the property owner is not doing or authorizing the excavation. Is that okay? ✓

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2149/1dn
MDK:lmk:ch

May 4, 2005

Senator Cowles:

This is a redraft of 2003 LRB-1554/2, with the changes you requested. Please note the following:

1. Is the reference to public right-of-way clear enough? Or should the bill include language specifying the public right-of-way at issue?
2. The bill allows a local governmental unit to assess a fee on a property owner, even if the property owner is not doing or authorizing the excavation. Is that okay?

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2005 BILL

- 1 AN ACT *to amend* 182.0175 (2m) (a) 2. and 182.0175 (2m) (b) (intro.); and *to*
2 *create* 182.0175 (1) (bt) of the statutes; **relating to:** excavation notices.

Analysis by the Legislative Reference Bureau

Current law requires all transmission facilities owners to ensure that a statewide communications system is in place to receive notices of proposed excavations and to forward the notices to owners of transmission facilities that may be affected by the excavations. Transmission facilities include such things as utility wires and associated facilities, water and sewer systems, and communications facilities. Under current law, upon receiving a notice of a proposed excavation, the owner of transmission facilities must mark the area of the excavation described in the notice in such a way that the excavator will be able to locate the affected transmission facilities and perform the excavation without endangering the facilities or the public.

Under this bill, any local governmental unit that receives such a notice relating to its sewer or water facilities must mark the location within the public right-of-way of all laterals connected to the sewer or water facilities at the area described in the notice. The bill allows a local governmental unit to assess a fee on property owners for marking such laterals.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL

SECTION 1

1 **SECTION 1.** 182.0175 (1) (bt) of the statutes is created to read:

2 182.0175 (1) (bt) "Local governmental unit" means a political subdivision of
3 this state, a special purpose district in this state, an instrumentality or corporation
4 of such a political subdivision or special purpose district, a combination or subunit
5 of any of the foregoing or an instrumentality of the state and any of the foregoing.

6 **SECTION 2.** 182.0175 (2m) (a) 2. of the statutes is amended to read:

7 182.0175 (2m) (a) 2. Respond to an excavation notice within 3 working days
8 by marking the location of transmission facilities and, if applicable, laterals as
9 provided under par. (b) in the area described in the excavation notice.

10 **SECTION 3.** 182.0175 (2m) (b) (intro.) of the statutes is amended to read:

11 182.0175 (2m) (b) *Facilities marking.* (intro.) A person owning transmission
12 facilities, upon receipt of an excavation notice, shall mark in a reasonable manner
13 the locations of transmission facilities at the area described in the notice to enable
14 the excavator to locate the transmission facilities without endangering the security
15 of the facilities or the public. If the person is a local governmental unit and if the
16 excavation notice relates to sewer or water facilities owned by the local governmental
17 unit, the local governmental unit shall also mark the locations within the public
18 right-of-way of all laterals connected to the sewer or water facilities at the area
19 described in the notice. The local governmental unit may assess a fee on the property
20 owner for marking such laterals. The marking of facilities shall be completed within
21 3 working days after receipt of the notice, or if notice is given more than 10 days
22 before excavation is scheduled to begin, marking shall be completed at least 3
23 working days before excavation is scheduled to begin. If the approximate location
24 of a transmission facility is marked with paint, flags, stakes or other physical means,

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exist
good for th

BILL

1 the following color coding of lines, cables or conduits shall comply with the uniform
2 color code adopted by the American National Standards Institute:

3 (END)

add tracer wire for new installations

Amendments to LRB 2149/1:

create a 12

- 1) Delete the following language on lines 19 and 20: "The local government unit may assess a fee on the property owner for marking such laterals." ✓
- 2) Add the following language after the period on line 19: "In lieu of locating and marking a sewer or water service lateral installed before January 1, 2007, a local government unit may provide information as shown on maps, drawings, diagrams, or other records, on the location of such laterals. If no information is available on a sewer or water service lateral installed before January, 1 2007, then notifying the excavator and certifying that no information exists fulfills the requirements of this section."
- 3) Add the following language at the appropriate place in the draft: "New Installations. After December 31, 2006, a local government unit shall require the installation of a locating wire or equally effective means of marking new or replacement non-conductive service laterals. This requirement does not apply to minor repairs or partial replacements of an existing non-conductive service lateral."

*Todd Stuart
Senator Cowles
6-0484*

Keep

2005 BILL

- 1 AN ACT *to amend* 182.0175 (2m) (a) 2. and 182.0175 (2m) (b) (intro.); and *to*
 2 *create* 182.0175 (1) (bt) of the statutes; **relating to:** excavation notices.

Analysis by the Legislative Reference Bureau

Current law requires all transmission facilities owners to ensure that a statewide communications system is in place to receive notices of proposed excavations and to forward the notices to owners of transmission facilities that may be affected by the excavations. Transmission facilities include such things as utility wires and associated facilities, water and sewer systems, and communications facilities. Under current law, upon receiving a notice of a proposed excavation, the owner of transmission facilities must mark the area of the excavation described in the notice in such a way that the excavator will be able to locate the affected transmission facilities and perform the excavation without endangering the facilities or the public. *except as described below*

Under this bill, any local governmental unit that receives such a notice relating to its sewer or water facilities must mark the location within the public right-of-way of all laterals connected to the sewer or water facilities at the area described in the notice. ~~The bill allows a local governmental unit to assess a fee on property owners for marking such laterals.~~

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL

1 **SECTION 1.** 182.0175 (1) (bt) of the statutes is created to read:

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11 182.0175 (2m) (b) *Facilities marking.* (intro.) A person owning transmission
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13 the locations of transmission facilities at the area described in the notice to enable
14 the excavator to locate the transmission facilities without endangering the security
15 of the facilities or the public. If the person is a local governmental unit and if the
16 excavation notice relates to sewer or water facilities owned by the local governmental
17 unit, the local governmental unit shall also mark the locations within the public
18 right-of-way of all laterals connected to the sewer or water facilities at the area
19 described in the notice. The local governmental unit may assess a fee on the property
20 owner for marking such laterals. The marking of facilities shall be completed within
21 3 working days after receipt of the notice, or if notice is given more than 10 days
22 before excavation is scheduled to begin, marking shall be completed at least 3
23 working days before excavation is scheduled to begin. If the approximate location
24 of a transmission facility is marked with paint, flags, stakes or other physical means,

Except as
= provided
in
para
(b)(m)

BILL

1 the following color coding of lines, cables or conduits shall comply with the uniform
2 color code adopted by the American National Standards Institute:

3

INSERT 3-2

(END)

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2149/2ins
MDK:.....

INSERT 1A:

1 *NO9*
2 However, if the lateral was installed before January 1, 2007, instead of marking the
3 location, the local government unit may provide the excavator with information on
4 the location of the lateral as shown on maps, drawings, diagrams, or other records. ✓
5 If the local government has no such information regarding a lateral installed before
6 January 1, 2007, ✓ the local government unit is not required to mark the location if the
7 local government unit provides the excavator with a notice certifying that the local
8 government unit has no such information. ✓

9 In addition, the bill requires local government units to require any person who,
10 after December 31, 2006, ✓ installs a nonconductive water or sewer lateral in the local
11 government unit's jurisdiction to also install a locating wire or other equally effective
12 means for marking the location of the lateral. ✓ However, local government units may
13 not apply this requirement to minor repairs to, or partial replacements of, laterals
14 installed before January 1, 2007. ✓

INSERT 3-2:

15
16 **SECTION *TP* 182.0175 (2m) (bm)** of the statutes is created to read:

17 182.0175 **(2m)** (bm) In lieu of marking within the public right-of-way the
18 locations of sewer or water service laterals installed before January 1, 2007, ✓ a local
19 government unit may provide an excavator with information on the location of such
20 laterals as shown on maps, drawings, diagrams, or other records. ✓ If a local
21 government unit has no such information regarding such laterals installed before
22 January 1, 2007, and the local government unit provides the excavator with a notice

1 certifying that the local government unit has no such information, the local
2 government unit is considered to have satisfied the requirements of par. (b).✓

3 ~~SECTION 2.~~ 182.0715 (2r) of the statutes is created to read:

4 182.0715 (2r) FACILITIES INSTALLED AFTER DECEMBER 31, 2006. ✓ Each local
5 government unit shall require any person who, after December 31, 2006, ✓ installs a
6 nonconductive water or sewer lateral in the jurisdiction of the local government unit
7 to also install a locating wire or other equally effective means for marking the
8 location of the lateral. ✓ The requirement shall not apply to minor repairs to, or partial
9 replacements of, ✓ laterals installed before January 1, 2007. ✓

dr

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

(date)

LRB-2149/2ins

MDK:.....

mk

Sen. Cowles:

Proposed s. 182.0715 (2r) refers to "minor repairs" and "partial replacements" Local government units will be allowed to interpret the meaning of these terms. Is that okay, or do you want to elaborate on their meaning? ★

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2149/2dn
MDK:lmk:pg

July 26, 2005

Sen. Cowles:

Proposed s. 182.0715 (2r) refers to "minor repairs" and "partial replacements." Local government units will be allowed to interpret the meaning of these terms. Is that okay, or do you want to elaborate on their meaning?

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us